



Department of
Veterans Affairs

Office of Human Resources and Administration
Worklife and Benefits Service (058)

Fact Sheet – Family and Medical Leave

Entitlement:

Under the Family and Medical Leave Act of 1993 (FMLA), full-time and part-time Federal employees who have completed 12 months of service (not required to be 12 recent or consecutive months) are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period for the following purposes:

Advance Notice and Medical Certification:

- The employee must provide notice of his or her intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.
- A supervisor may request medical certification for FMLA leave taken to care for an employee's spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee which renders the employee unable to perform the essential functions of his or her position.
- The employee shall provide medical documentation/certification from a valid health care provider supporting the requested leave for FMLA to be granted.
- Additional medical documentation from a health care provider in a specialty area may also be requested from the employee in order to make a final determination on FMLA leave requests.

Certification to Return to Work:

- The FMLA requires an employee who takes leave for his or her own serious health condition to obtain medical certification from his or her health care provider showing that the employee is able to perform the functions of his/her position and return to work.

Job Benefits and Protection:

- Upon return from FMLA leave, an employee must be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment."
- An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work.

References: 5 U.S.C. 6381-6387
5 C.F.R. Part 630, Subpart L
VA Handbook 5011, Part III, Chapter 2, paragraph 17

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